FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE SIDE

CRIMINAL WRIT PETITION NO.864 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. Vijendra Jabra for the Petitionder.

CORAM: V.M. KANADE, J.
DATED: 4/5/2005.

PC:

1. Heard learned counsel for the petitioner.

2. The petitioner has challenged the order of issuance of process passed by the Metropolitan Magistrate on a complaint filed under Section 138 of the Negotiable Instruments Act. The learned counsel has submitted that the cheque in question has not been signed by him. He further submitted that there is no averment in complaint that the applicant was incharge of affairs of the company.

3. From the perusal of the complaint, it is seen that the necessary averments are made in Paragraph 1(b) in which it is stated that the accused Nos. 2, 3 and 4 are responsible to the accused No.1. Thus, it cannot be said that there are no averments in the complaint. The question whether applicant has signed the cheque or not can be decided at the time of trial. Hence, there is no need to interfere with order of issuance of process. Petition is accordingly disposed of.

(V.M. KANADE, J.)